

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	JUDGE DONALD C. NUGENT
	)	
Plaintiff,	)	CASE NO.: 4:11 CV 2348
	)	4: 04 CR 430
	)	
vs.	)	<u>MEMORANDUM OPINION</u>
	)	<u>AND ORDER</u>
JORGE A. MARTINEZ,	)	
	)	
Defendant.	)	

This matter is before the Court on the Defendant's Motion for Reconsideration of Dismissal Order under the Federal Rules of Civil Procedure 52(b) and 59(e). (ECF #14, Case No: 4:11 CV 2348). Defendant filed his Motion for Reconsideration on December 15, 2014 seeking reconsideration of the November 24, 2014 Dismissal Order (ECF #12). Simultaneous to Defendant's filing of the Motion for Reconsideration, Defendant filed with this Court a Notice of Appeal (ECF #16) from the November 24, 2014 Dismissal Order (ECF #12).

It is well settled that filing a notice of appeal with the district court clerk divests the district court of jurisdiction to act in matters involving the merits of the appeal. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district

court of its control over those aspects of the case involved in the appeal.”); *United States v. Holloway*, 740 F.2d 1373, 1382 (6th Cir. 1984). Only one court at a time may exercise jurisdiction over a case. By filing the Notice of Appeal concerning the Dismissal Order, the Defendant divested this Court of jurisdiction to consider Defendant’s Motion for Reconsideration on the very same Dismissal Order. Absent jurisdiction, this Court cannot consider the merits of Defendant’s motion for Reconsideration.

For the reasons set forth above, Defendant’s Motion for Reconsideration of Dismissal Order (ECF #14, Case No: 4:11 CV 2348), is DISMISSED. IT IS SO ORDERED.

DATED: February 5, 2015

  
DONALD C. NUGENT  
United States District Judge